

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

In the Matter of)
)
Review of Part 15 and other Parts) ET Docket No. 01-278
of the Commission's Rules) RM-9375
) RM-10051

To: The Commission

**REPLY COMMENTS OF THE UPPER NEW YORK REPEATER COUNCIL, Inc.
(UNYREPCO) IN RESPONSE TO NOTICE OF PROPOSED RULE MAKING**

The Upper New York Repeater Council, Inc. respectfully submits reply comments in opposition to the petition of SAVI Technologies to amend the Commission's rules to permit significant increased field strengths and increased duty cycles for their Radio Frequency Identification Devices (RFID) operating on the 70 centimeter wavelength band, where the Amateur Radio Service is the secondary service.

A.) **Background:** The Upper New York Repeater Council, Inc. is an Amateur Radio Service coordination council established by amateur licensees, and comprised of amateur radio service licensees to make recommendations for the most efficient use of available radio spectrum on the Amateur Radio Service bands of 29.510 Mhz and higher. As such the Upper New York Repeater Council serves amateur station licensees residing in New York state and serves approximately three quarters (3/4) of these licensees pursuant to Commission rules §97.201 (c) and §97.205 (c). Pursuant to these rules, the Upper New York Repeater Council has the support of several thousand amateur stations and has recommended and coordinated several hundred amateur station control link, auxiliary and repeater stations for operation on the 70 centimeter wavelength band where the Amateur Radio Service is a licensed secondary service on the band. The Upper New York Repeater Council, Inc. therefore submits these reply comments on behalf of the licensed amateur radio service spectrum users that the Upper New York Repeater Council Inc., serves. These comments are submitted as a concerned Amateur Radio Service Organization, licensed users of the band, and without the aid of legal counsel or advice.

B.) **The Amateur Service on the 70-centimeter band:** Aside from the 2-meter (144 to 148 Mhz) band, the 70-centimeter band is the most popular, congested, and heavily used amateur service allocation available domestically. The Upper New York Repeater Council Inc., has advanced recommendations for several hundred

amateur repeater, amateur television, auxiliary, and control link stations on the spectrum that SAVI intends to utilize for their RFID's, and has acted to minimize amateur to amateur interference potential in the 432.000 to 438.00 Mhz range where weak signal research and propagation studies are traditionally performed by amateur licensees to further the state of the radio art pursuant to commission rules §97.1 (b) and (c) .

C.) **The SAVI Petition:** SAVI's petition calls for commission rule making, which would allow for increased field strengths of emitters generally licensed under Part 15 of Commission rules and also calls for increased duty cycles of said emitters. Nowhere in the petition is there evidence of an analysis to determine the extent that such rule change(s) would create increased interference to existing licensed services already operating. Rather SAVI relies on assertions that said RFID's will be used in commercial areas where there few amateurs operating. The Upper New York Repeater Council Inc., asserts that said commercial areas contain the highest density of amateur stations therefore the likelihood of interference it the highest in these settings. Further there is no proposed remedy if interference is generated once the RFID equipment is deployed.

D.) **The National Association For Amateur Radio, ARRL comments:** The National Association for Amateur Radio, ARRL, through it's general counsel Mr. Imlay has risen in strong opposition to the proposed rule changes and argued under the communications Act of 1934 that the Commission lacks authority to permit unlicensed devices with substantial interference potential and that such devices must be licensed. The Upper New York Repeater Council Inc. rises in strong support of the National Association for Amateur Radio, ARRL position. Further the comments of the ARRL were never addressed in this proceeding, and to act without addressing the comments of the ARRL would be derelict.

E.) **The reply comments of Mr. Fred C. Jensen, Amateur Licensee K6DGW:** In reply comments, Mr. Jensen details his personal experience with the equipment for which SAVI seeks rule making to allow it's unlicensed usage. Mr. Jensen makes the point that the RFID and associated interrogators are not stable, and generate significant spurious emissions. Mr. Jensen goes on to state that such instability and spurious emissions are readily detectable on typical amateur equipment. Given that the Upper New York Repeater Council Inc., has made recommendations for several amateur stations on the primary frequency range that SAVI intends to utilize, and has made several hundred recommendations for amateur stations that will be negatively affected by any instability or spurious emissions from SAVI equipment, and that such recommendations are made for amateur stations that are typically located on high terrain and have great sensitivity, and that such recommendations are compatible with other existing users of said spectrum, and that said recommendations represent several thousand

amateur service licensees, the Upper New York Repeater Council Inc., believes that the potential for interference and degradation to these amateur stations is severe, and rises in strong support of Mr. Jensen's position.

F.) **The reply comments of Texas Instruments Inc, (etal):** In reply comments Texas Instruments Inc. and others through comments argue that the proposed rule changes would permit compatible international use of the same RFID technology. The potential for interference to licensed users of the spectrum is not addressed as is required by part 15 of the commission rules. The Upper New York Repeater Council Inc., does believe there is an economy of scale and that there is operational benefits associated with international standardization, however application of the RFID technology is more appropriately deployed on an international basis on the 2.3 Ghz spectrum where commission rule making may not be needed.

G.) **Conclusion:** In petition SAVI argues that a change to Commission rules is necessary as a business or international compatibility issue dictates without sufficient analysis of interference potential to licensed users of the spectrum. The Upper New York Repeater Council Inc., believes the interference potential generated by the SAVI equipment to existing licensed amateur users of the spectrum is clear and extreme, and that such interference will adversely affect the ability of the Amateur Radio service to serve its primary purposes of providing noncommercial communications particularly with respect to emergency communications, and drastically hinder the ability of the amateur service's proven ability to contribute to the advancement of the radio art. Therefore the Upper New York Repeater Council Inc. strongly urges the Commission to reject the petition in its entirety.

Respectfully submitted;
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For The Upper New York Repeater Council, Inc. 2002
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